

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

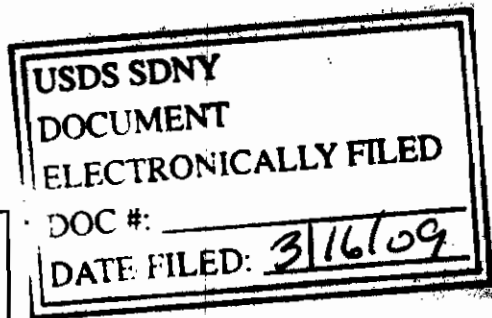
CAROL FRAZER, *et al.*,

Plaintiffs,

-v-

JERRY MOORE, *et al.*,

Defendants.



07 Civ. 2627 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

The Court conducted a status conference in this matter on March 13, 2009. The conference was attended by Plaintiffs Carol Frazer, Violet Clark, Beatrice Cuffy, Margaret Lopez, and Tamara Lomax, who appeared *pro se*, as well as counsel for Defendants the City of New York Department of Housing Preservation and Development ("HPD") and Mimie Ellis (collectively, the "City Defendants").

Plaintiffs' Complaint seeks injunctive and declaratory relief under 18 U.S.C. § 241 and 42 U.S.C. §§ 1983, 3631. When Plaintiffs commenced this action, in addition to HPD and Ellis, they also named as Defendants the "Current Board of Directors Of The Housing Development Fund Corporation, 1682-1700 Sterling Place" (the "HDFC Board") and Jerry Moore, acting in his capacity as President of the HDFC Board (collectively, the "Private Defendants"). However, Plaintiffs indicated to the Court at the March 13, 2009 conference that a new HDFC Board has replaced the board that was named as a Defendant in this action, and that Moore is no longer acting as its President.

Additionally, Plaintiffs stated that they have commenced an action against Moore for money damages, which is currently pending in the New York State Supreme Court. Therefore, it appears


that Plaintiffs are pursuing other forms of relief in other jurisdictions, and that the declaratory and injunctive relief sought by Plaintiffs in this action may be unavailable because of Moore's current status and the change in the composition of the HDFC Board that occurred after the Complaint was filed.

However, by letter dated February 25, 2009, Plaintiffs informed the Court that they wish to file an Amended Complaint, and that the following Plaintiffs wish to continue to pursue this action: Carol Fraser, Cecilia Stewart, Violet Clark, Mary Short, William King, Margaret Lopez, Beatrice Cuffy, Olga Ogg, Denise Wilson, and Tamara Lomax. In light of their *pro se* status, Plaintiffs are entitled to file at least one amended pleading prior to the resolution of a dispositive motion. *See, e.g., Gomez v. USAA Fed. Sav. Bank*, 171 F.3d 794, 795 (2d Cir. 1999). Accordingly, Plaintiffs are **HEREBY ORDERED** to consult with each other and to submit a status letter to the Court by April 13, 2009. The letter shall indicate whether Plaintiffs wish to continue to pursue this action by filing an Amended Complaint. A copy of the letter and all documents attached thereto shall be mailed to Defendants at the addresses listed below. Upon receipt of Plaintiffs' letter, the Court will set a schedule regarding how this action will proceed.

IT IS FURTHER ORDERED THAT, for the reasons stated at the March 13, 2009 conference, the City Defendants' pending motion to dismiss the Complaint is denied without prejudice. The Clerk of the Court is respectfully directed to terminate the motion docketed as document number 17.

SO ORDERED.

Dated: March 13, 2009
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE

Copies of this Order have been mailed to:

Plaintiffs

Carol Frazer
1682-1700 Sterling Place
Brooklyn, NY 11233

Cecilia Stewart
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Defendants

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Jerry Moore
President of the Board of Directors of
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